



Att'y Dkt. No. 0902-009
U.S. App. No. 10/730,021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andreas OBREBSKI et al.

Art Unit: 2872

Appl. No.: 10/730,021

Examiner: Unknown

Filing Date: 12/09/2003

Confirmation No.: 2756

Title: SURGICAL MICROSCOPY SYSTEM

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
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Arlington, Virginia 22202

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

- ☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.
- ☐5. The document(s) was/were cited in a corresponding foreign application. ☐ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).
- ☐6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.
- ☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: The international search report was submitted with the priority international application.

For those documents that are not in the English language and listed under "Foreign Language Documents", reference to a corresponding US patent document or an English translation is provided as indicated on Form 1449 (in the "Pages, Columns, Lines, ..." column).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By:



Kris Kalidindi
Reg. No. 41,461

Date: May 10, 2004

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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	10/730,021
Filing Date	December 09, 2003
First Named Inventor	Andreas OBREBSKI
Art Unit	2872
Examiner Name	Unknown
Attorney Docket Number	0902-009

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,803,579	09-08-1998	Turnbull et al.	
		US- 6,217,188 B1	04-17-2001	Wainwright et al.	
		US- 6,238,076 B1	05-29-2001	Pascale et al.	
		US- 6,300,923 B1	10-09-2001	Havel	
		US- 5,312,393	05-17-1994	Mastel	
		US- 6,213,943 B1	04-10-2001	Abreu	
		US- 6,394,999 B1	05-28-2001	Williams et al.	
		US- 6,155,975	12-05-2000	Urich et al.	
		US- 5,805,335	09-08-1998	Fukaya et al.	
		US- 5,790,307	08-04-1998	Mick et al.	
		US- 6,305,659 B1	10-23-2001	Metelski	
		US- 5,667,186	09-16-1997	Luber et al.	
		US- 2003/0137723 A1	07-24-2003	Sander	
		US- 5,945,744	08-31-1999	Dobler et al.	
		US- 2002/0125061 A1	09-12-2002	Kawamura	
		US- 4,523,732	06-18-1985	Biber et al.	
		US- 6,150,666	11-21-2000	Engelhardt et al.	
		US- 5,288,987	02-22-1994	Vry et al.	
		US- 6,392,794 B1	05-21-2002	Engelhardt et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		DE 43 20 443 C2	12-22-1994	Luber et al.	US 5,667,186	
		DE 43 34 069 A1	04-13-1995	Schweizer	US 5,667,186	
		DE 102 02 125 A1	07-31-2003	Sander	US2003/0137723	
		WO 97/07487	02-27-1997	Dobler et al.	US 5,945,744	
		DE 102 09 539 A1	09-19-2002	Kawamura	US 2002/0125061	
		DE 40 34 578 A1	05-07-1992	Lorenz et al.	See Translation	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket Number	0902-009

Sheet	4	of	4
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
		EP 0 656 194 B1	06-07-1995	Nakamura	See Translation	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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